

BLUMENTHAL, NORDREHAUG & BHOWMIK

Norman B. Blumenthal (State Bar #068687)

Kyle R. Nordrehaug (State Bar #205975)

Aparajit Bhowmik (State Bar #248066)

2255 Calle Clara

La Jolla, CA 92037

Telephone: (858)551-1223

Facsimile: (858) 551-1232

Firm Website: <http://www.bamlawca.com>

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSUE TALAMANTEZ, an individual on behalf of himself and on behalf of all persons similarly situated.

Plaintiff.

V.

**THE WELLPOINT COMPANIES,
INC., an Indiana Corporation; and
Does 1 through 50, Inclusive,**

Defendants

Case No. 12-CV-08058 RGK (JCx)
(Class Action)

**STIPULATION FOR RELIEF FROM
LOCAL RULE 23-3**

Action Filed: August 3, 2012

26 Plaintiff Josue Talamantez (“Plaintiff”) and Defendant The Wellpoint
27 Companies, Inc. (“Defendant”), by and through their respective undersigned counsel,
28 hereby stipulate, agree, and jointly request that the Court issue an order as follows:

1 WHEREAS, Plaintiff Talamantez (“Plaintiff”) filed his class action Complaint
2 (“Complaint”) against Defendant on or about August 3, 2012 and served Defendant on
3 August 20, 2012;

4 WHEREAS, on September 18, 2012, Defendant removed the action to the United
5 States District Court for the Central District of California;

6 WHEREAS, Local Rule 23-3 requires Plaintiff to “within 90 days after service of
7 a pleading purporting to commence a class action...file a motion for certification that the
8 action is maintainable as a class action, unless otherwise ordered by the Court;”

9 WHEREAS, Plaintiff cannot move for class certification in advance of the Local
10 Rule 23-3 deadline because discovery is stayed under Rule 26(f) and the motion cannot
11 reasonably be completed within the Local Rule 23-3 deadline;

12 NOW, THEREFORE, Plaintiffs and Defendant, through their respective counsel
13 of record, stipulate and request as follows:

14 Subject to Court approval the Parties agree that the automatic timing requirements
15 of Local Rule 23-3 shall not apply in this case and, instead, pursuant to the “unless
16 otherwise ordered” provision of Local Rule 23-3, a customized schedule for addressing
17 a schedule for class certification in this case shall be addressed by the Parties at the early
18 meeting of counsel in advance of the first status conference and be set as part of the
19 initial scheduling order under Rule 16(b) of the Federal Rules of Civil Procedure.

20 **IT IS SO STIPULATED AND AGREED.**

21 DATED: October 2, 2012

BLUMENTHAL, NORDREHAUG &
BHOWMIK

23

By: /s/ Aparajit Bhowmik
Aparajit Bhowmik
Attorneys for Plaintiff

25

DATED: October 2, 2012

SEYFARTH SHAW LLP

27

By: /s/ David Kadue
David Kadue
Attorneys for Defendant

28

K:\D\Dropbox\Pending Litigation\Wellpoint - Talamantez\p-Stipulation re LR 23-3-FINAL.wpd